



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING AND HOUSING

### Voting Members:

Kymberly Marcos Pine, Chair  
Trevor Ozawa, Vice Chair  
Carol Fukunaga  
Ann H. Kobayashi  
Joey Manahan

## AGENDA

REGULAR MEETING  
COMMITTEE MEETING ROOM  
THURSDAY, AUGUST 30, 2018  
9:00 A.M.

### SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak by 9:00 a.m. as follows:

- On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- By faxing to 768-3827 your name, phone number and the agenda item;
- By filling out the registration form in person; or
- By calling 768-3815.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker limited to a **one-minute** presentation.

### WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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### MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

Accommodations are available upon request to persons with disabilities, please call 768-3815 or send an email to [cnakazaki@honolulu.gov](mailto:cnakazaki@honolulu.gov) at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through [http://olelo.granicus.com/MediaPlayer.php?publish\\_id=92](http://olelo.granicus.com/MediaPlayer.php?publish_id=92); (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

## FOR APPROVAL

MINUTES OF JUNE 28, 2018 REGULAR MEETING AND  
JULY 19, 2018 AND AUGUST 13, 2018 SPECIAL MEETINGS

## FOR ACTION

1. **REVIEW AND EVALUATION OF THE BUILDING BOARD OF APPEALS PURSUANT TO ORDINANCE 17-44.** The Committee will review and evaluate the Building Board of Appeals and make recommendations to the Council on whether the Charter provisions or ordinances establishing the Building Board of Appeals should be retained, amended, or repealed.

Related communication:

[MM-92](#) Report submitted by the Building Board of Appeals pursuant to Ordinance 17-44, attached as part of Mayor's Message 92 (2018).

2. **[RESOLUTION 18-166](#) – SMP FOR TED MAKALENA GOLF COURSE PARKING LOT (2018/SMA-27).** Granting a Special Management Area (SMA) Use Permit for the expansion of a parking lot and improvement of drainage from the parking lot and maintenance yard at the Ted Makalena Golf Course in Waipahu, located at 93-59 Waipio Point Access Road, identified as a portion of Tax Map Key 9-3-002: 034. (Applicant: Department of Design and Construction) (Transmitted by Communication [D-504](#)) (Current deadline for Council action: 9/29/18)

**[PROPOSED CD1 TO RESOLUTION 18-166](#)** (Submitted by Councilmember Pine) – The CD1 (OCS2018-0803/8/21/2018 10:52 AM) makes the following amendments:

- A. Adds a second WHEREAS clause, which includes a description of the Project.
- B. In the second to the last WHEREAS clause, adds reference to HRS Sections 205A-2 and 205A-26.
- C. Adds July 30, 2018 as the date the Council received the DPP's findings and recommendation report by Departmental Communication 504 (2018).
- D. In Condition A, incorporates by reference Exhibits A through E.

- E. Amends Condition C to add to Condition C.1 a standard condition relating to artificial light from exterior light fixtures; clarify that "night" means "not daylight hours" in Condition C.2; combine Condition C.7 and former Condition C.8; and make other clarifying nonsubstantive changes.
  - F. Makes miscellaneous technical and nonsubstantive amendments.
- 3. **RESOLUTION 18-185 – CANCELLATION AND TERMINATION OF A CERTAIN LEASE DATED JULY 1, 1993, ISSUED TO THE STATE OF HAWAII, HFDC AND APPROVAL OF A NEW LEASE FOR THE SAME PROPERTY.** Approving and authorizing the cancellation and termination of that certain lease dated July 1, 1993 issued to the State of Hawaii, Housing Finance and Development Corporation (HFDC), for the development of affordable housing, commercial/industrial space, and public parking and approving and authorizing the issuance of a new lease to the State of Hawaii, HFDC, for the purpose of financing the rehabilitation of affordable housing (Kauhale Kakaako Mixed-Use Project). (Transmitted by Communication [D-555](#))
  - 4. **BILL 50 (2018) – BUILDING PERMITS FOR LARGE RESIDENTIAL STRUCTURES.** Amending Ordinance 18-6, relating to regulating for an interim period the issuance of building permits for the planning and development of large residential structures in residential districts. (Bill passed second reading and public hearing held 8/15/18)
  - 5. **BILL 53 (2018), CD1 – RELATING TO THE BUILDING CODE.** Amending the Building Code to strengthen enforcement provisions for buildings and structures erected, constructed, enlarged, altered, repaired, moved, improved, removed, or converted without the necessary permits. (Bill 53, CD1 passed second reading and public hearing held 8/15/18)

**PROPOSED CD2 TO BILL 53 (2018), CD1** (Submitted by Councilmember Fukunaga)  
– The CD1 (OCS2018-0801/8/20/2018 1:54 PM)) makes the following amendments:

- A. Amends SECTION 1 to include “Findings” with the measure’s “Purpose,” addressing Council concerns related to exploitation of the owner-builder exemption with existing developments.
- B. Inserting a new SECTION 2 to amend ROH Section 16-10.1 (Violations and Penalties – Generally), by designating the current text as subsection a and adding new subsections (b) and (a) to emphasize the need for ownerbuilders to strictly comply with existing applicable State laws and other reasonable conditions imposed upon them related to their project, or be subject to criminal and administrative penalties.

- C. Renumbers SECTION 2 as SECTION 3, and in that Section adds “owner builder” as a reportable party under the proposed subsection (e) amendment to ROH Section 16-1 0.4 (Administrative Enforcement – Report).
  - D. Makes miscellaneous technical and non-substantive amendments.
6. **BILL 60 (2018) – RELATING TO VIOLATIONS OF STOP WORK ORDERS.** Strengthening enforcement of provisions of stop work orders teeming from violations of building, electrical, plumbing, and sidewalk permits or failure to obtain a permit. (Bill passed first reading 8/15/18)
- PROPOSED CD1 TO BILL 60 (2018)** (Submitted by Councilmember Martin) – The CD1 (OCS2018-0784/8/21/2018 3:11 PM) makes the following amendments:
- A. Divides proposed new ROH Section 18-7.5(b) into subdivisions, and adds a new subdivision (3) which prohibits a violator of a stop work order from applying for any building permit until all the violations that caused the issuance of the stop work order are cured, and all related fines and penalties are satisfied in full; provided that if the stop work order was issued for failure to obtain a permit, that permit may be applied for.
  - B. Makes miscellaneous technical and nonsubstantive amendments.
7. **BILL 64 (2018) – RELATING TO BUILDING PERMITS.** Allowing for an expedited process for building permits for one- and two-family dwellings. (Bill passed first reading 8/15/18)
8. **BILL 45 (2018) – RELATING TO THE HALEIWA SPECIAL DISTRICT.** Amending certain provisions to ensure the Haleiwa Special District regulations continue to fulfill their purpose of guiding development and protecting and enhancing the physical and visual aspects of the District. (Transmitted by Communication D-427) (Bill passed first reading 07/11/18)
9. **BILL 46 (2018) – LUO AMENDMENT RELATING TO HALEIWA SPECIAL DISTRICT.** Amending Chapter 21, Revised Ordinances of Honolulu 1990, as amended (The Land Use Ordinance), relating to the Haleiwa Special District, to ensure the District regulations continue to fulfill their purpose of guiding development and protecting and enhancing the physical and visual aspects of the District. (Transmitted by Communication D-427) (Bill passed first reading 07/11/18) (Current deadline for Council action 9/27/18)

10. **[BILL 47 \(2018\)](#) – LUO AMENDMENT RELATING TO MOBILE COMMERCIAL ESTABLISHMENTS.** Amending Chapter 21, Revised Ordinances of Honolulu 1990, as amended (The Land Use Ordinance), to establish mobile commercial establishments as a permitted use. (Transmitted by Communication [D-427](#)) (Bill passed first reading 07/11/18) (Current deadline for Council action 9/27/18)

#### **INFORMATIONAL BRIEFING**

11. **UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS.**

KYMBERLY MARCOS PINE, Chair  
Committee on Zoning and Housing